

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

Damon T. Jackson, # 1499348,	)	
	)	Civil Action No. 6:15-3725-TMC-KFM
Plaintiff,	)	
	)	<b>ORDER</b>
vs.	)	
	)	
COC DeAngelo and	)	
Al Cannon Detention Center,	)	
	)	
Defendants.	)	
_____	)	

Plaintiff, Damon T. Jackson (“Jackson”), proceeding pro se, brought this action against the defendants pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., all pretrial proceedings in this matter were referred to a magistrate judge. This matter is now before the court on the magistrate judge’s Report and Recommendation (“Report”), recommending that the court summarily dismiss Al Cannon Detention Center without prejudice and without service of process. (ECF No. 9). Jackson has filed timely objections to the Report (ECF No. 16),<sup>1</sup> and this matter is now ripe for review.

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). In making that determination, the court is charged with conducting a de novo review of those portions of the Report to which either party specifically objects. *See* 28 U.S.C. § 636(b)(1). Then, the court may accept, reject, or modify the Report or recommit the matter to the magistrate judge. *See id.*

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<sup>1</sup> In his objections, Jackson also seeks to amend the complaint to add the Charleston County Sheriff’s Office. (ECF No. 15). The clerk filed his objections as a separate motion to amend the complaint, and that motion was referred to the magistrate judge. (ECF No. 14). The magistrate judge denied the motion on the basis of futility. (ECF No. 19).

The Report recommends dismissing Al Cannon Detention Center because it is not a “person” subject to suit under 42 U.S.C. § 1983. In his objections, Jackson states that he named Al Cannon Detention Center as a party because he was hurt on the grounds and that it is responsible for his well-being. (ECF No. 16). Jackson’s objections fail to overcome the legal authority supporting the Report’s recommended dismissal of Al Cannon Detention Center.

Accordingly, after a thorough review of the record, the court adopts the Report (ECF No. 9) and incorporates it herein. Therefore, Al Cannon Detention Center is **DISMISSED** without prejudice and without service of process.

**IT IS SO ORDERED.**

s/Timothy M. Cain  
Timothy M. Cain  
United States District Judge

October 6, 2015  
Anderson, South Carolina

**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.